



RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: 07/30/98

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TO EXAMINER: Elizabeth Kemmerer

ART UNIT: 1646

SERIAL NUMBER: 08/954,954

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COMMENTS: _____

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08/954,954

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#4
8/7/98

PATENT

Case 2991/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Summers et al.

GROUP ART UNIT: 1646

SERIAL NUMBER: 08/954,954

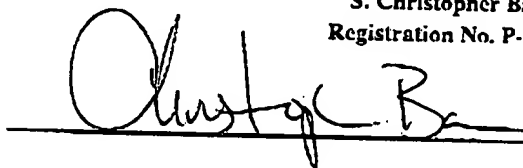
EXAMINER: Elizabeth Kemmerer

FILED: October 21, 1997

DATE: July 30, 1998

TITLE: Novel Erythropoietin Receptor Agonists

I hereby certify that this correspondence is being
facsimile transmitted to the
Patent and Trademark Office Fax No. (703) 305-3704
on July 30, 1998
S. Christopher Bauer
Registration No. P-42,305



Date: 07/30/98

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This responds to the Restriction and Election Requirements set forth in the Office
Action dated July 14, 1998.

REMARKS

Restriction has been imposed among eight groups of claimed subject matter:

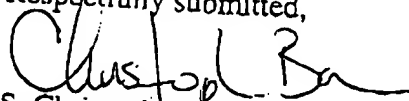
- I. Claims 1-14, drawn to EPO receptor agonist, compositions comprising same, nucleic acid molecule encoding same, and method of administering same.
- II. Claims 15-22, drawn to ex vivo expansion of erythroid progenitors and methods of administration of cells.

Applicants elect, with traverse, to prosecute the subject matter of Group I as found in Claims 1-14. Applicants' reasons for traverse is that the searching of the two claimed groups does not pose an undue burden of examination on the Examiner.

If the per se proteins, as claimed in group I, are novel over the prior art then the ex vivo expansion of erythroid progenitors and administering the expanded cells, as claimed in group II, would also be novel over the prior art. Therefore, examination of claims 1-22 does not pose an undue burden of on the Examiner.

If the restriction requirement is made final, applicants reserve the right to continue prosecution of non-elected Claims 15-22 (Group II) in one or more continuing applications.

Respectfully submitted,



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